

Appl. No.: 10/041,610  
Amdt. dated October 13, 2008  
Reply to Office Action of July 11, 2008

### **REMARKS/ARGUMENTS**

With this Amendment, Applicant amends claims 1, 6, 7, 8, 10, 11, 13, 19, 20, 21, 25 and 27. No new matter is added. Therefore, claims 1-27 are all the claims currently pending in the present application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

#### **I. Formal Matters**

Applicant points out that in the *Response to Amendment/Arguments* section of the Office Action that the Examiner asserts that “no claim has been amended” and states that “[c]laim 27 is newly added.” (See pg. 2 of the Office Action) In this regard, Applicant points out that in rejecting claims 21, 22, 25 and 26 in the Office Action, the amendments have not been entered or considered. (See pgs. 13-14 of the Office Action) Applicant disagrees with the Examiner’s assertion that there were no amendments to be entered and points out that in the Amendment filed April 8, 2008 that claims 21, 22, 25 and 26 were indeed amended in response to the *Non-Final Office Action* dated January 10, 2008. In particular, claims 21, 22 and 25 were amended to recite “a hypermedia document” and claim 26 was amended to recite, *inter alia*, “to load a hypermedia document”. Applicant therefore respectfully requests the Examiner to enter the amendments to claims 21, 22, 25 and 26 that were submitted in the Amendment dated April 8, 2008 in response to the Non-Final Office Action dated January 10, 2008. Applicant submits that neither D’Souza nor Hoag, alone or in combination, teaches or suggests parsing any mark up code of a hypermedia document that is loaded by a browser, as required by claims 21, 22, 25 and 26.

#### **II. Rejection of Claims 7, 8, 10 & 20 Under 35 U.S.C. § 101**

Claims 7, 8, 10 and 20 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. (See pg. 4 of the Office Action) Regarding claim 7, the Examiner asserts that the features of claim 7 “fail to definitely recite a hardware executing the claimed software, rendering the claim as recited only an abstract idea.” (See *id.*) Applicant notes that in rejecting claim 7, the Examiner states “**Regarding claim 14:** Claim 1 recites ...” but then lists

Appl. No.: 10/041,610  
Amdt. dated October 13, 2008  
Reply to Office Action of July 11, 2008

the recitations of claim 7. Because of this inconsistency, Applicant presumes that the Examiner intended to reject claim 7 and its dependent claims 8 and 10.

Applicant herein amends independent claim 7 and its dependent claims 8 and 10 and submits that these self-explanatory claim amendments overcome the § 101 rejection. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 101 rejection of independent claim 7 and its dependent claims 8 and 10.

Regarding independent claim 20, the Examiner asserts that the features of claim 20 “fail to definitely recite a hardware executing the computer software, rendering the claim as recited only an abstract idea” and asserts that “[t]he claim equates merely to a computer signal per se ... which does not have a practical application or tangible result.” (See *id.*) Applicant herein amends claim 20 to recite “[a] *computer program product*, the computer program product comprising at least one *computer-readable storage medium* having computer-readable program code portions stored therein comprising:” *inter alia*, first, second and third executable portions. Applicant notes that MPEP § 2601.01, I., which guides the Examiner in such matters, provides that “*a claimed computer-readable medium* encoded with a *computer program* is a computer element which defines structural and functional interrelationships between the computer program ... which permit the computer program’s functionality to be realized, and is ... *statutory*.” (emphasis added). As such, amended claim 20 conforms to the guidelines of the MPEP and as such, Applicant respectfully requests the Examiner to reconsider and withdraw the § 101 rejection of claim 20.

### **III. Rejection of Claims 1-27 Under 35 U.S.C. § 103(a)**

Claims 1-27 stand rejected under **35 U.S.C. 103(a)** as allegedly being unpatentable over D’Souza et al. (U.S. Patent No. 6,745,224 B1; hereinafter “D’Souza”) in view of Hoag (U.S. Patent No. 6,114,978; hereinafter “Hoag”).

Claim 1, as herein amended, recites “[a] method of accessing functionalities in hypermedia to be parsed and rendered by a user agent, the hypermedia including at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the at least one element”. “[T]he method comprising: parsing a hypermedia document” and “in response to

Appl. No.: 10/041,610  
Amdt. dated October 13, 2008  
Reply to Office Action of July 11, 2008

identifying an element in the hypermedia document that has been assigned a keyboard shortcut in the hypermedia document using said predetermined attribute, collating data corresponding to the element". The method further comprises "rendering a display of collated data for at least one element that has been assigned a keyboard shortcut using said predetermined attribute in the hypermedia document, instead of the hypermedia document."

Applicant disagrees and submits that D'Souza, alone or in combination with Hoag, does not teach or suggest all of the above features of amended claim 1. In contrast to claim 1, D'Souza, alone or in combination with Hoag, at best, discloses an application, Web Check, which maintains locally stored copies of hypermedia in either the Internet cache or in file system folders. D'Souza at best explains that the application provides continually updated local copies of the websites for off-line use, such as for off-line browsing using the browser. Web Check also maintains "about web site" properties, including what is new in the updated version of a website, the last time the website was visited and when it was last updated.

Applicant submits that in the combination of D'Souza and Hoag, there is no causal relationship or nexus between the assigned keyboard shortcuts therein and collation of data. To be precise, D'Souza and Hoag, alone or in combination do not specify that data is collated because the elements have assigned keyboard shortcuts. Claim 1, as herein amended, recites "in response to identifying an element in the hypermedia document that have been assigned a keyboard shortcut in the hypermedia document using said predetermined attribute ... collating data corresponding to the element ..." Given that the combination of D'Souza and Hoag does not mention, teach, suggest or provide motivation for any data that is collated in response to identifying any elements that have assigned keyboard shortcuts, the combination is deficient and does not teach or suggest the features of amended claim 1.

Additionally, Applicant points out that claim 1 recites parsing a hypermedia document and that the element has been assigned a keyboard shortcut in the hypermedia document. In contrast to claim 1, D'Souza, alone or in combination with Hoag, at best, discloses keyboard shortcuts that would be defined in the code of the browser. However, nowhere is there any mention, teaching or suggestion in D'Souza, alone or in combination with Hoag, relating to parsing a hypermedia document including at least one element that has a predetermined attribute assigned a keyboard shortcut, as claimed. Moreover, since claim 1 recites that the at least one

Appl. No.: 10/041,610  
Amdt. dated October 13, 2008  
Reply to Office Action of July 11, 2008

element is identified in the hypermedia document, the element relied upon by the Examiner in the combination cannot correspond to any hypermedia document of D'Souza, alone or in combination with Hoag. As such, claim 1 cannot be considered obvious in view of D'Souza, alone or in combination with Hoag.

Based on at least the foregoing reasons, Applicant submits that the combination of D'Souza and Hoag is deficient and does not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 2, 3, 4, 5 and 6.

Since independent claims 7, 11, 19-21, 26 and 27 contain features analogous to, though not necessarily coextensive with, the features recited in claim 1, Applicant submits that claims 7 and 11 and their respective dependent claims 8-10 and 12-18 as well as claims 19, 20, 21, 22-25, 26 and 27 are patentable at least for reasons analogous to those submitted for claim 1.

### III. Conclusion

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Cory C. Davis  
Registration No. 59,932

Appl. No.: 10/041,610  
Amdt. dated October 13, 2008  
Reply to Office Action of July 11, 2008

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON October 13, 2008.**